Supreme Court, U.S.
F I L E D

(1)

94 997 AUG 11 1994

OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THESE UNITED STATES

OCTOBER TERM 1994

MARTIN J. BECKMAN, ET UX, EARLENE H.
PETITIONERS, EN PROPRIA PERSONA,
VS.
ALAN GREENSPAN, CHAIRMAN, AND THE
FEDERAL RESERVE BOARD, AND
MARGARET RICHARDSON, COMMISSIONER
OF INTERNAL REVENUE, AND THE
DE FACTO UNITED STATES GOVERNMENT,
RESPONDENTS.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF MONTANA

Petitioners en pro per,
Martin J. Beckman and
Earlene H. Beckman,
3445 Tigard Ave.,
Billings, Montana, MT-59101-----,or
P.O. Box 1544,
Billings, Mt-59103-1544
406=252-9509

23 pp

QUESTIONS PRESENTED

1- Should United States Attorney represent an individual person or a State hartered corporation in an action in any State Court or in any U.S. District Court?

2- Should the United States District Court, Billings Division, be ordered to Remand a Cause of Action EN REM to a Montana State Court ?

IN SUPREME COURT OF THE UNITED STATES
October Term - 1994 No. _____

TABLE OF CONTENTS
PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF MONTANA

by Plaintiffs-Petitioners Beckman, Billings, MT-59103-1544

Opinions Below ..... Pages 1

Jurisdiction ..... 2 - 3

Constitutional and International Law Provisions 3 - 6

Statement of the Cause of Action ..... 6 - 9

Reasons For Granting The Writ, and vice-versa. 9 - 11

Judicial Notices ..... 11 - 13

Case Law and Points ..... 13 -16

Conclusion 16

Verification Before Notary Public 17

Index to APPENDIX In Separate Document.. 1

OTHER AUTHORITIES CITED - PETITION pages _

-Bouvier's Law Dictictionary- "Judicial notice ..."---------- 11

Judge Upshur's The Federal Government.... ----------4, 5

Wright's Law of Federal Courts, Section 41- Remand -, ... 13

American Historical Documents, by Eliot, LL.D., 1938, ...-3

Arizona Weekly Gazett, "Ninth Amend. 'Cornerstone...'",.....5

De Facto Government of U.S., by Weisman, 1991, ... 6

Short History of the U.S., by John Bassett, 1933, p.851 ..... - 6

LAW CASES cited Petition pages _____

McCulloch v. State of Maryland, 4 Wheaton 403 (1819) .. 5, 11

Griswold v. Connecticut, 381 U.S. 479, 486-499 (1964) 5

Pirie v. Chicago Title & ..., 182 U.S. 438 & 443 (1901) 7

Brushaber v. Union Pacific R.R. Co., 240 U.S. 1 (1916) 10,14

Stanton v. Baltic Mining Co., 240 U.S. 103 (1916) 8,10

Flint v. Stone Tracy Co., 240 U.S. 107 8

Lewis v. United States, 680 F.2d 1239, 1241-1243 (1982) 13

Valley Forge College v. Americans ..., 454 U.S. 472 (1982) 13

Duty of U.S. Attorney to Remand - quote case-law

Berger v. United States, 295 U.S. 78 (1935) 13

LAW OF FEDERAL COURTS by Wright, 3rd Ed., 1976..... 12

U.S. v. Rice, 90 L.Ed 982 (1946) 13

Donovan City of Dallas, 84 S.Ct. 1579, 1582 (1964) 14

ASARCO Inc. v. Kadish, 490 US 605, 619, 621 (1989) 14

Moore v. Sims, 442 US 415, 428, 429 (1977) 14

O'malley v. Woodrough, 307 U.S. 277 (1938) 14

Evans v. Gore, 253 U.S. 245 (1920) 14

Brushaber v. Union Pacific ..., 240 U.S. 1 (1916) 14

Stanton v. Baltic Mining Co., 240 U.S.. 103 (1916) 14

Long v. Rasmussen, 281 F.236 at 238 (1922) 15

Economy Plumbing v. U.S., 470 F.2d 585 at 589 (1972) . 15

CASES: STATE COURTS' JURISDICTION ...pages..

McKinney v. Gannett Co., 694 F.2d 1240 at 1245 15

Firestone T. & R. Co. v. Risjord, 449 U.S. 368 15

Smith v. U.S., 254 F.2d 865 15

U. S. v. Benson, 495 F.2d at 481 (1974) & 18 USC 3231 15

Bush v. Orleans Parish .... 188 F.Supp. 916, 930-932 (1960) 5, 15

No. _____

IN THE
SUPREME COURT OF THESE UNITED STATES

OCTOBER TERM - - 1994

Martin J. Beckman , et ux., Earlene H., Petitioners, Pro. Se.,

vs.

Alan Greenspan , Chairman, and Federal Reserve Board, and, Margaret Richardson, Commissioner of Internal Revenue, and, De Facto United States Government, Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF MONTANA

Petitioners, Martin J. Beckman and Earlene H. Beckman, at American Common Law, respectfully ask the Court that a writ of certiorari issue to review the judgment and opinion of the Supreme Court of the State of Montana in its denial for a Writ of Mandamus to the Montana Seventh Judicial District Court for remand of Petitioners Beckman (Plaintiffs') Cause of Action, No. DV-94-033 (Hon. Richard Phillips) to said Court from the United States District Court, Billings Division, Case No. CV 94-41-BLG-PGH, to which Court the Cause of Action, above, was allegedly removed by Assistant U.S. Attorney Lorraine D. Gallinger, District of Montana.

OPINIONS BELOW

The ORDER of the Supreme Court of the State of Montana, No. 94-217, was filed on May 17th, 1994, and a verbatim Copy of said ORDER appears in the separate document, APPENDIX TO PETITION FOR WRIT OF CERTIORARI, Exhibit A, page 4 ,therein. To date (8-26-94), no actions, or opinions, have been filed in the Montana Seventh Judicial District Court nor in the U.S. District Court, Billings Division.

The REGISTER OF ACTION of the Supreme Court of the State of Montana, Case Number: 94-217, marked: *CLOSED* 05/17/94, stating on page 2 thereof that : "05/19/94 - Appellant's [66 page] Brief filed. [nine (9)] copies to court."; said REGISTER is entered verbatim in APPENDIX TO PETITION ..., as Exhibit B, page 5, therein.

JURISDICTION

1 On May 5th, 1994, Petitioners Beckman filed an Application for Writ of Mandamus in Supreme Court of Montana which was dismissed on May 17th, two (2) days before receiving Petitioners' 66 page Brief. with nine (9) copies to the Clerk of the Court who handed them to the Justices of Supreme Court of the State of Montana. It appears that there is no Montana statute or provision for a REHEARING on an application for Writ of Mandamus.

The Jurisdiction of the above entitled Court is hereby invoked under THE TREATY: UNITED STATES CONSTITUTION, Articles IX and X of AMENDMENTS thereto, which Instrument flows by the Principles of Christian International Law from the Treaty : Articles of Confederation and Perpetual Union which became operative on March 1, 1781, when the 13th Nation, Maryland, ratified said Articles. The Court became de jure when created by above International Law in The Treaty U.S. Constitution, above, when ratified by the Nation New Hampshire, June 21, 1788. De jure Jurisdiction is also invoked under Title 28, U.S.C. Sections 1251(b)(3), and 1254(1), and 1257(3), and 2671, if de jure, but NOT if de facto by legislation of a de facto Congress since February 20, A.D. 1863, when said Congress gave its delegated sovereign taxing power, by means of fractional-reserve-banking, to the National Banks, some of which are, and were, owned by the privately-owned Central Banks of Europe, notably, the Bank of England.

Jurisdiction of this Court is also invoked under above TREATY, Article III, Section 2: "The judicial power shall extend to ... Controversies to which the United States shall be a party; - ... and between Citizens of different States; - ..., and between a State, or the Citizens thereof, and foreign states, ...". Petitioners-

Plaintiffs Beckman, it appears, have suffered factual damages; the Beckman family home was demolished; reference is hereby made to APPENDIX TO PETITION..., as Exhibit C, "JUDGE: GET Off Land" entered verbatim, page 8, therein. Said damages resulted from alleged actions and decisions in years 1977 - 1984 of private Respondent-Defendant Federal Reserve Board chaired by Paul Volker and since by private Respondent-Defendant Alan Greenspan and the Board's private Federal Reserve Bank of Minneapolis which also has offices at 400 North Park Ave., Helena, Montana 59601- ----. 406=442-3860.

To support invocation of jurisdiction of above entitled Court, Petitioners Beckman Quote page 3 of 55 pages: "FEDERAL JURISDICTION" in FDA case _(??)_: "In the United States, there are two separate and distinct jurisdictions, such being the jurisdiction of the States within their own territorial boundaries and the other being federal jurisdiction. Broadly speaking, state jurisdiction encompasses the legislative power to regulate, control and govern real and personal property, individuals and enterprises within the territorial boundaries of any given State. In contrast, federal jurisdiction is extremely limited, with the same being exercised only in areas external to state legislative power and territory.". Continued quotation in APPENDIX, Exhibit D, page 9, therein, entered verbatim at quote: "Notwithstanding the clarity of this simple principle, ...".—

Limited Jurisdiction of this Court is also invoked under Articles IX, X, XVII, of Amendments to the Treaty, United States Constitution, and supported in Bush v.Orleans ..., 188 F.Supp. 916, "Appendix A" on pp. 930-932 (1960) in APPENDIX, Exhibit G, below, pages 28-34

CONSTITUTIONAL and INT'L. LAW PROVISIONS

TREATIES: In the Treaty With Great Britain ("Treaty of Paris"-Jan. 14, 1784), Article I, it is acknowledged, "... [13 Nation-States named] , to be free , sovereign and independent States; ...", quoted verbatim from 462 page book, American Historical Documents, Vol. 43, The Harvard Classics, Edited by Charles W.Eliot, LL.D., (c)1938, by P.F. Collier & Son, pages -

174 & 175, thereof, in APPENDIX TO PETITION, Exhibit E, page 14, therein.

In the Articles of Confederation and Perpetual Union, Nov. 15, 1777, quote: "WHEREAS, the Delegates of the United States of America in Congress assembled did ...agree to certain articles of Confederation and perpetual Union ["perpetual Union" note] between the States of ... [13 States named] in the Words following, viz. ... Article I. The stile [Webster's 842: {OF. style, stile, ... , manner of writing. ...} ... 4. Distinctive or characteristic mode of presentation ...] of this confederacy shall be 'The United States of America.'". The Preamble: "To All to Whom these Presents Shall Come, We the Undersigned Delegates of the States Affixed to our Names send Greeting.", and ARTICLE II, III, and IV, are quoted verbatim from above book, American Historical Documents, pages 158 & 159. in APPENDIX as Exhibit E, at pages 16-18, thereinabove.

Two (2) PREAMBLES to the Treaty, United States Constitution, are quoted verbatim in APPENDIX, as Exhibit F, page 18 therein. It appears that History has recorded two(2) Preambles to The United States Constitution, namely, the popular Preamble that Judge Joseph Story (1779-1845) used in his Commentaries, below, and the same one which was "banked-on" (used) by Chief Justice John Marshall (1755-1835) in the UNITED STATES BANK (majority stock privately-owned by Central Banks of Europe) case, McCulloch vs. The State of Maryland, (1819), and the actual and true Preamble of the "independent" Nations of the Treaty of Paris, above. Quote Judge Upshur: "The history of the preamble itself ought to have convinced our author [Judge Story], that the inference [that the U.S. Constitution was, and is, NOT a lawful treaty] which he draws from it could not be allowed. On the 6th of August, 1787, the committee appointed for that purpose reported the first draft of the Constitution. The preamble was in these words: 'We, the people of the States of ... [13 Nations named], do ordain, declare and establish the following Constitution, for the government of ourselves and our posterity.'". Quote pages 103 & 104 of 248 page book, THE FEDERAL GOVERNMENT: its TRUE NATURE AND CHARACTER; Being A Review of JUDGE STORY'S

COMMENTARIES on the CONSTITUTION OF THE UNITED STATES., by (Judge) Abel Upshur, (17 ??-1844), Van Evrie, Horton & Co., N. Y. (1868), and from St. Thomas Press, P.O. Box 35096, Houston, Texas 77035-0096, (1977). It appears by History that Judge Upshur has completely and lawfully and logically refuted both Justice Marshall and Judge Story and the Court's Opinions, since, on the non-Christian interpretation of the Treaty, The U.S. constitution, by means of the Preamble thereof. By judicial notice, The United States Constitution is a lawful Treaty, and it appears that it must be interpreted lawfully and logically by the International Law of 1777 which law was Christian and NOT like non-Christian international law of today. We quote verbatim the controversial Opinion of Chief Justice Marshall, above, in the bank case, McCulloch v. Maryland, (1819), pages 208 thru 212 of the book, American Historical Documents, above, in APPENDIX, Exhibit F, at pages 24-, thereinabove.

Amendments IX, and X, and XVII, are quoted and copied verbatim in APPENDIX, Exhibit G, at pages 28-34 therein. Said Amendments IX and X and XVII do appear to also support Jurisdiction of this Court, above, and a forthcoming Petition for an Act of INTERPOSITION of the State Legislature of Montana to support the above entitled action by an Amicus Curaie Brief expounding the International Law and Jurisprudence of the Founders of our Treaty, The United States Constitution. Interposition of a State of the Union for her Citizen(s) vs. the national government formed by the above Treaty is also supported by Judge Upshur in his book, above, pages 173 -175, quoted verbatim in APPENDIX, Exhibit H, pages 38-41, therein, and by Case Law, one citation at pages 930 - 932 of Bush v. Orleans Parish ..., 188 F. Supp.916 (1960), copied verbatim in APPENDIX, Exhibit G, pages 29-, thereinabove.

Article IX of Amendments and comments of Scottsdale Attorney Richard L. Basinger, Esq., in "Ninth Amendment 'Cornerstone Of The Constitution'", Arizona Weekly Gazette, copied verbatim and entered in APPENDIX, Exhibit I, pages 44, beginning at: "However, there is within the United States Constitution an oft forgotten, ignored, or rejected amendment, which may be a 'Sleeping giant just awakening.' {3- Griswold v.

Connecticut, 381 U.S. 479, 486-499 (1964); ...; B. Patterson, The Forgotten Ninth Amendment, 1-3, 19-26 (1955) ...; K. Kelsey, The Ninth Amendment of the Federal Constitution. 11 Ind. L.J. 4, (1936)...; N. Redlich, Are there Certain Rights ... Retained by the People, 37 N.Y. L.Rev. 787, 802-812 (1962)} ... ."; quotations are continued in APPENDIX, Exhibit I, thereinabove, pages 44-47.

The Article X of Amendments, also supports Jurisdiction of this Court and for a favorable ruling in Petitioners Beckman above entitled actions in the Supreme Court of Montana and in her Seventh District Court, Sidney, Montana. To support a favorable ruling of above entitled Court, Judge Able Upshur's book, above is quoted verbatim, pages 192-198, along with Amendment X also copied in APPENDIX, Exhibit H, thereinabove, pages 41-44

The Article XVII of Amendments, also supports Jurisdiction of this Court in reference to the inherent duties and powers of each U.S. Senator's ambassadorial CHAIR which, by judicial notice of Parliamentary Law, continues today to represent each Legislature of the several Nation-States of the Union. Reference is hereby made to the 160 page book, The De Facto Government of the United States, by Charles A. Weisman, (C-1991), from Weisman Publications, Burnsville, Minnesota, MN-55337----, pages 18 thru 23, copied verbatim in APPENDIX, Exhibit J, therein, pages 47-. Quote page 22, thereof: "The 17th Amendment is a nullity since ... It is established according to another law, one designed by the corrupt powers that have controlled Washington D.C. since the Civil War. ... All senators elected by the people from1914 and after are *de facto* Senators. ... Without a lawful Senate, there can be no lawful ambassadors, Federal judges and other officers since the Senate is needed to confirm all such appointees. ... The passage of the amendment was due to the hard fight which was directed against the obstructive power' of the Senate. [12 - John Bassett, *A short History of the United States*, (1933) p. 851.]."

STATEMENT OF THE CAUSE OF ACTION

1 - The RESULTS: The first CAUSE, namely, THE NATIONAL BANK ACT caused Loss of U.S. Treasury's Power to Tax Money on Feb. 20, 1863, by the Signature of President Abraham Lincoln (1809-1865), a socialist and student of Karl Marx (1818-1883) a socialist professor (reference in APPENDIX, Exhibit K, page 55, therein) which caused Second CAUSE.

2 - Second CAUSE: Fractional-reserve-national-banking caused deficits and unnecessary public debt; said debt and deficits were solved by King Henry I (1100-1135) with TALLY STICKS (in Smithsonian) and by President Andrew Jackson (1767-1845), by refusing to charter THE SECOND BANK OF UNITED STATES predecessor of "Federal" Reserve Bank System, reference in APPENDIX, Exhibit L, pages 58-, thereinbelow; deflation of bank-created-money ("inflation") caused Third CAUSE, President Lincoln's creation and forming of the IRS bureaucracy which later used its Form 1040 Merchant Law contract to "pay income tax" to pick up surplus bank money and to discharge the interest on said national government debt to National Banks and/or to privately-owned Federal Reserve Banks. Reference is hereby made to the use of U.S. Treasury's Power to Tax Money by said Banks to buy U.S. Bonds {"... Money is certainly property, whether we regard any of its forms or any of its theories. ...", Pirie v. Chicago Title & Trust Co., 182 US 438 & 443 (1901)}. Said unnecessary "income tax" on corporations and/or on individual persons caused Third Cause.

3 - Third CAUSE: The IRS Code and its martial-law-collection of said "income tax" on individual Persons, Citizens and Freemen, of any one of the several Nation-States of the Union. It appears that the IRS, a collection agency of the International Bank owners of the "Federal" Reserve Central Bank System, without en rem, land, jurisdiction allegedly filed a "notice of federal lien", instead of the lawful common law lien, on property owned by Petitioners Beckman which action by Respondants IRS and De Facto U.S. Government caused the Fourth Cause.

4 - Fourth CAUSE: Petitioners Beckmans' loss of property and funds, reference APPENDIX, Exhibit C, pages 7-8, thereinabove, which damages caused the detriment on which the Beckmans brought suits in U.S. District Court and in

State Courts without allegedly receiving Justice and Relief which fact, by judicial notice, brings this Petition to this above entitled United States Supreme Court on grounds other than INCOME TAX COMPLAINTS, Tax issues, Tax cases in courts, and/or Tax problems, or any facet of "income tax", except that The Court has ruled said "income tax" to be only an excise tax in Brushaber v. Union Pacific R.R. Co., 240 U.S. 1; Stanton v.Baltic Mining Co., 240 U.S. 103; Flint v. Stone Tracy Co., 240 U.S. 107.

It appears that Plaintiffs-Petitioners Beckman, under American Common Law as adjudicated before A.D.1861 - 65, "The American Socialist Revolution", could have lawfully received Justice and Relief in a State Court such as The Montana Seventh Judicial District Court, Richland County, Sidney, Nation-State of Montana, which de jure Court was NOT created by Congress, reference in APPENDIX, Exhibit D, thereinabove, page 9. However, the de facto Office of the United States Attorney, Billings, Montana, allegedly quoted the present de facto United States Code for REMOVAL of Cause DV-94-033 in the Montana Court, above, to the de facto United States District Court, Billings, Division, a Congress-created court, in which court said Cause is lodged to date. Notice of Filing Motion to Remand and Motion to Remand, APPENDIX, Exhibit M, therein, at page 62, were filed, without recognizing jurisdiction by Plaintiffs-Petitioners Beckman, in the U.S. District Court, Billings Division, on April 19th, 1994, by Lou Aleksich, Jr., Clerk of the Court. Said Cause of action should now be REMANDED to the Montana State Court, above, for Justice to Beckmans, Petitioners hereinbefore, and for the Good and Justice of all Citizens, Freemen of States of the Union of these United States of North America and also for all Amendment XIV Citizens of the United States of North America.

It appears, furthermore, by Judicial Notices below, that the Defendant-Respondent United States Government, now, is in fact a De Facto Government; and, it also appears that the unpayable national debt and interest, which is controlled by Defendant-Appellant Federal Reserve Board and its "Federal" Open Market Committee, now chaired by Alan Greenspan, Respondent, a private individual, economically forcing the present

de facto United States Government to be surrendered to the "One World" United Nations Government in New York City, APPENDIX, Exhibit N, therein, page 64-, and quoting ,"The Power of Money", page 84 of National Geographic, January, 1993.

REASONS FOR GRANTING WRIT

1 - Certiorari should be granted for three (3) reasons, namely:

a - Should the Office of, and/or, the U.S. District Attorney represent a private individual or a State-chartered corporation in a court action??

b - Should The Supreme Court of State of Montana be ordered to issue a Writ of Mandamus to Montana Seventh Judicial District Court for Remand Order to U.S. District Court, an inferior, Congress-created Court ??

c - Should above entitled United States Supreme Court issue an ORDER to United States District Court, Billings Division, to REMAND the case, Beckman v. Greenspan et al, Cause No. DV-94-033, above, back to Montana Seventh Judicial District Court, Richland County??

2 - Certiorari should be granted because decisions of the Nine (9) Justices of this Court do conflict with the decisions of the Eight (8) Justices of Court before President Ulysses H. Grant (1869 - 77) "packed" The Court from Eight to Nine Justices to overturn "Legal Tender Cases" to make paper money legal tender to please International Banks of Europe, some of which owned National Banks and presently own and control the Federal Reserve Banks, a Central Bank of U. S.; and now, the U.S. Justice Department cites said "Cases" to support Defendant-Respondent IRS which Justice represents and which was created to pick up surplus "inflationary" paper money, National Bank Notes, emitted by Banks chartered under The National Bank Act of 1863; and now, IRS "taxes" "inflationary" bank-created-credit, checkbook money, out of circulation to stop "inflation" to stabilize, or stop deflation of the paper "dollar", a Merchant Law trading certificate efficaciously called "Federal Reserve Note". To support the Treaty between the States, United States Constitution, as it was

interpreted by Christian International Law before President Grant "packed" the U.S. Supreme Court with an extra Justice, the following cases on money and taxes should be returned to the original Decisions of the Court: Return O'Malley v. Woodrough, 307 U.S. 277 (1938), back to Evans v. Gore, 253 U.S. 245 (1920), which would free U.S. Judges from the Martial Law tactics of the "Mossadic" Internal Revenue Service. Return Julliard v. Greenman, 110 U.S. 421 (---), and Knox v. Lee, 12 Wallace 552 (----) back to Hepburn v. Griswald, 8 Wallace 634 (----). It appears that Justice Dept. of the U.S. cites these cases to support the IRS's claim that "Federal Reserve Notes" are legal tender for trading labor for compensations; the term, "income", can only be used correctly on corporation accounts according to the cases of Brushaber v. Union Pacific R.R., 240 U.S. 1, and Stanton v. Baltic Mining Co., 240 U.S. 103, above cited.

3 - Certiorari should be granted because it appears that neither the Congress nor the United States Government, by the International Law of 1776, could give sovereign Tax-Money-power, emitting paper money, to a foreign-controlled National Central Bank, the 12 Federal Reserve Banks which "power" was delegated from the several Nation-States only to the U.S. Treasury. Presently, by International Law of 1776, said "power", should revert back to the several Nation-States ; to date however, only the Nation-State of Louisiana has dared to use said, "power", under leadership of the late, U.S. Senator Huey P. Long, a patriot, and official Representative of the State Legislature of the Nation-State of Louisiana.

4 - REASONS FOR NOT GRANTING WRIT: Any Opinion or Ruling on any facet of the socialist "Income Tax", on Amendment XVI, on de facto U. S. Code after A.D.1863, on any Treaties after A.D.1863, and on de jure or de facto government since A.D.1863.

5 - When and if, perchance, The Court chooses NOT to rule on the Three Issues of this action, above, this Petition for a Writ of Certiorari shall be appealed to the CHAIRS of our "House of Lords", the de facto United States Senators, who sit in the Chairs representing the fifty (50) Nations, States of our Union. It appears since A.D.1863, by logical reasoning, and by Judicial

Notice, below, that the United States Supreme Court has acted like Great Britain's supreme court which accepts all cases with the rule that all cases may be appealed to the British House of Lords for the final Court Decision.

JUDICIAL NOTICES

Judicial Notice is hereby given as follows:

1 - To support above Jurisdiction of this Court in this Petition for Writ of Certiorari, it is noted that the Treaty With Great Britain (1784) named all 13 American Colonies separately as "States [Nations]" APPENDIX, Exhibit E, page 14 thereinabove.

2 - The original Preamble to the Treaty, United States Constitution, named all 13 Nations, also; therefore, the term, "We, the People of the United States, ...", historically means The sovereign People, Freemen, of each of the several States, originally and now presently in A.D.1994. Today, the nationalists and socialists quote Chief Justice Jay and Judge Story to claim the United States as a "Nation" with a National U.S.Government above and over all territory of the several Nation-States; however, we quote Judge Upshur, pages 92 & 93 which are copied in APPENDIX, Exhibit H, page 34 thereinabove, to give judicial notice to prove the original, above, and that the Montana Courts are de jure and above the de facto "U.S. District Courts" which under color of de jure and/or martial law, now claim jurisdiction and duty to REMOVE Cause No. DV-94-033 in Montana Seventh Judicial District Court to the de facto "U.S. District Court, Billings Division".

3 - The subject matter of this Petition for Writ of Certiorari is proper for a cause of Plaintiffs-Petitioners Beckman asking their State, Montana, to INTERPOSE herself in behalf of her Citizens, the Beckmans, by entering at least an Amicus Curiae Brief. Part of page 174 of JudgeUpshur copied in APPENDIX, H, page 38 thereinabove.

4 - "Judicial notice is also taken of any matters of public history affecting the whole people, and also public matters affecting the government of the nation, or of their own particular state or district; ...; of legal weights and measures; 4 Tenn.314; and coins; ...; the character of the general circulating medium, and the public language in reference to it; 3 Monr. 149; but not the current VALUE of the notes of a bank at any particular time; ..." (underline & caps added), page 174, Bouvier's Law Dictionary, Student's Ed., 1928, reference APPENDIX, Exhibit N, page 66 thereinabove.

5 - Note above: judicial notice can NOT be given concerning the "VALUE" of bank notes; no official VALUE has been, or can be, set for NATIONAL BANK NOTES or FEDERAL RESERVE NOTES, "Bills of Credit", in fact, negotiable tax receipts, Ref: APPENDIX, Exhibit L, page 60, thereinabove. The chartering of the Bank of England in A.D.1694 to the Rothchild family of Khazar bankers began the problem of fluctuating fractional-reserve bank notes and "demand accounts", check-book money; their market value fluctuates in accordance with the control of debt-interest-rates, "prime rate", and the sale and purchase of U.S. Bonds for bank-reserves by the "Federal" Open Market Committee. Said Committee is Chaired by Alan Greenspan, formerly by Paul Volker, and controlled by Committee Members the Presidents of privately-owned Federal Reserve Banks: E. Gerald Corrigan, Wayne D. Angell, Edward G. Boehne, Silas Krehn, Edward W. Kelley, Jr., John P. LaWare, Lawrence B. Lindsey, Robert D. McTeir, Jr., David W. Mullins, Jr., Susan M. Phillips, and Gary H. Stern, President of Federal Reserve Bank of Minneapolis of which Delbert W. Johnson, is Chairman and Federal Reserve Agent with offices at 400 N. Park Ave., Helena, Montana 59601-----. 406=442-3860.

6 - Judicial notice can be given to the fact that Economist Alan Blinder has been recently "approved" by "voice vote" of the U.S. Senators, as a member and vice-chairman of the seven-member Federal Reserve Board, Defendant-Respondent; and now, Alan Binder sits in "chair" of Vice-Chairman David W. Mullins, Jr., other members of Board of Governors of the "Federal Reserve System" are: Chairman Alan Greenspan, Defendant-Respondent,

Wayne D. Angell, Edward W. Kelley, Jr., John P. LaWare, Lawrence B. Lindsey, and Susan M. Phillips, all of whom are on "Federal" Open Market Committee, above, which is recognized by some Economists, and Politicians, and the knowledgeable Public as the absolute Economic Dictator of these United States, our constrained and stipendiary Country. 7 - Judicial notice is now recognized by the Public in and through the news media that reports the RESULTS of lawlessness of our, in fact, De Facto U.S.. Government ; and, it appears by the NEWS that our Country, We the People of the several States, are ready to make a determined revival to the Christian Economic Foundation of our Country (English term for People) like we did in A.D.1776. Reference is hereby made to the State of Colorado H. J. R.- 94-1035 - in APPENDIX, Exhibit O, page 67, therein.

CASE LAW and POINTS

1 - Quote: Lewis v. United States, 680 F.2d 1239, 1241-1243 (1982) - "Each Federal Reserve Bank is a separate corporation owned by commercial banks in its region. ... The Federal Reserve Board regulates the Reserve Banks, ...". "For these reasons we hold that the Reserve Banks are not federal agencies ...".

2 - Quote: Valley Forge College v. Americans United ..., 454 US 472, (1982), - "..., Art III requires the party who invokes the court's authority to 'show that he personally has suffered some actual or threatened injury ... '". Reference APPENDIX, Exhibit C, page 1-8, hereinabove.

CASE LAW,: Duty of U. S. Attorney to Remand:

3 - Quote: Berger v. United States, 295 US 78 (1935), - "..., but that justice shall be done. ...".

4 - Quote: Book - Law of Federal Courts by Wright, 3rd Ed. (1976) - "... If the motion to remand is denied, ...". Note 14; and, "... if federal jurisdiction is doubtful the case should be remanded." Note 18. - Pages 167 & 168.

5 - Quote: U.S. v. Rice, 90 L. Ed. 982, (1946), - "...It may be arguable, as a matter of policy, that in giving the government the right to intervene and remove a cause from a state court, it should also have given the right, not allowed to private litigants (Note:

underline), to have orders of remand reviewed in the appellate courts. ... .". It appears that the Act of 1887 was passed by a de facto Congress; therefore, said Act is "arguable", above. Also quote: Donovan v. City of Dallas, 84 S.Ct. 1579 (1964) - "... . An exception has been made in cases where a court has custody of property, that is, proceedings in rem or quasi in rem. In such cases this Court has said that the state or federal court having custody of such property has exclusive jurisdiction to proceed. ... .".

6- Quote: ASARCO Inc. v. KADISH, 490 us 605, 6L9, (1989), - "..., the proper course is to vacate the judgment below and remand for appropriate further proceedings, ...". and: "... state courts are not bound by Article III and yet have it within both their power and their proper role to render binding judgments on issues of federal law, subject only to review by this Court.". and: "... This case is not one committed to the exclusive jurisdiction of the federal courts. ... ."

7 - Quote: MOORE v.SIMS, 60 L. Ed2d 994, 1006 & 1007, (1977), - Quoting Mr. Justice Frankfurter: "... Few public interests have a higher claim on the discretion of a federal chancellor that the avoidance of needless friction with state policies, ...". And: "The seriousness of federal judicial interference with state civil functions has long been recognized by this Court. ... '". and: "In sum, the only pertinent inquiry is whether the state proceedings afford a adequate opportunity to raise the constitutional claims, and Texas law appears to raise no procedural barriers. ... .". And, neither does Montana law.

8 - O'Malley v. Woodrough, 307 U.S. 277 (1938), Justice Frankfurter overturned the Evans case, below, in which the Court ruled that U.S. District Judges were not required to give "income tax" on their salaries.

9 - Evans v. Gore, 253 U.S. 245, (1920), Justice Van Devanter ruled that U.S. Constitution gave freedom to U.S. Judges to rule without coercion from the IRS.

10 - Brushaber v. Union Pacific R.R. Co., 240 U.S. 1, (1916), The Court ruled that only corporations had income and that the Congress only intended to tax corporations.

11 - Stanton v. Baltic Mining Co., 240 U.S. 103, (1916), Again, Congress did not

intend to tax individual persons directly by measuring any so-called "income". Title 26 of
USC was intended only for persons who declared themselves to be "resident taxpayers".

12 - Long v. Rasmussen, 281 F. 236 at 238, (1922), The Court recognized and ruled that individual persons, "not required", are classed as "nontaxpayers". Reference in book: THE BEST KEPT SECRET, pp.11-13, (1986) by Otto Skinner, San Pedro, CA-90734——.

13 - Economy Plumbing v. U.S., 470 F.2d 585 at 589, (1972), Again the Court ruled that some Citizens are "nontaxpayers"; it appears that Petitioners, Beckman, are nontaxpayers; whereas, the media uses misinformation by labeling them "tax protesters". Ref: above book, The Best Kept Secret by otto Skinner.

CASES SUPPORTING LAWFUL JURISDICTION OF STATE COURTS

14 - McKinney v. Gannett Co., 694 F.2d 1240 at 1245, "State Courts only have jurisdiction; federal courts must dismiss on own motion".

15 - Firestone T. & R. Co. v. Risjord, 449 U.S. 368, "Federal court lacks discretion to consider merits".

16 - Smith v. U.S., 254 F.2d 865, "If property to which lien attached is under jurisdiction of another court, government must submit to that court even if the latter is a [S]tate court.".

17 - U.S. Benson, 495 F.2d at 481, (1974), Federal jurisdiction is only over its own property - Article I, Section 8, Clause 17, U.S. Constitution - notwithstanding 18 USC Sec. 3231. Also, the following cases support State Court jurisdiction in and over State territory: Ft. Leavenworth Ry. Co. v. Lowe, 114 U.S. 525, (1885); U.S. v. Watson, 80 F. Supp.649, (1948); Pendleton v. State, 734 P.2d 693, (1987); U.S. Bevans, 16 U.S. 336 (3 Wheaton), (1818); People v. Godfrey, 17 Johns 225, at 233: Bowen v.Johnston, 306 U.S. 19, (1939; U.S. v. Fox, 94 U.S. 315. at 320-21, (1877).

18 - Bush v. Orleans Parish ..., 188 F. Supp. 916, 930-932 (1960), Reference: APPENDIX, Exhibit G, pages 29-31.

It appears that the above cursory research of case law substantiates a review by this Court and for a COURT ORDER TO REMAND above entitled Cause No. DV-94-033 to the Montana Seventh Judicial District Court, Richland County, Sidney, Montana, from the United States District Court, Billings Division, Case No.CV-94-41-BLG-PGH. It also appears that this controversy is proper matter to petition the Legislature of the State of Montana for her act of Interposition to support her Citizens, Martin J. and Earlene H. Beckman, Freemen and Nontaxpayers by Amendments IX & X, Magna Carta, in this above entitled action in accordance with facts, judicial notices, and law, above.

CONCLUSION

For reasons and research set forth above, a Writ of Certiorari should issue to review the decision, judgment, and opinion of the Supreme Court of the State of Montana, and/or for an Order to the U. S. District Court, Billings Division, to Remand Cause No. DV-94-033, above, to the Montana Seventh Judicial District Court, Richland County, Sidney, Montana.

DATED: Nov 14 1994, A.D.1994.

Respectfully requested, en propria persona,

Martin J. Beckman + Earlene H. Beckman

Martin J. Beckman & Earlene H. Beckman,
Plaintiffs-Petitioners, Per Se,
3445 Tigard Ave., Billings, Mt-59101-----, or
P.O. Box 1544, Billings, MT-59103-1544.--
Telephone: 406=252-5909-

VERIFICATION

STATE OF MONTANA)
(s.s.
COUNTY OF YELLOWSTONE)

I certify that on the 14 day of Nov, 1994, before me the subscriber, a Notary Public of the State and County, above, Personally appeared the Petitioners, Martin J. Beckman and Earlene H. Beckman, husband and wife, in Cause No. DV-94-033, and made affirmation in due form of law that the matters and facts set forth in the foregoing document, PETITION FOR A WRIT OF CERTIORARI, and in a separate document, APPENDIX with EXHIBITS, numbered, thereinabove signed by Petitioners, and said affirmation are true to the best of Affiants' knowledge, information, and belief.

DATED: Nov 14, 1994. As witness my hand and NOTARY SEAL,

NOTARY PUBLIC In and for STATE and COUNTY, above.

My commission expires Sept. 23, 97